

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 85, line 6, strike "has" and insert "**have**".
- 2       Page 125, line 15, after "is" insert ":
- 3               **(i) for purposes of IC 31-19, IC 31-26, IC 31-33, IC 31-34,**
- 4               **IC 31-37, and IC 31-38-2-13.5,".**
- 5       Page 125, line 18, strike "and" and insert "**or**
- 6               **(ii) for purposes of IC 31-27, an applicant, or if the**
- 7               **applicant is an organization, the director or a manager**
- 8               **of a facility where children will be placed, an employee,**
- 9               **or a volunteer who has or will have direct contact, on a**
- 10              **regular and continuing basis, with children who are**
- 11              **under the direct supervision of a person required to be**
- 12              **licensed under IC 31-27; and".**
- 13       Page 125, line 25, delete ":".
- 14       Page 125, line 26, strike "(A)".
- 15       Page 125, run in lines 25 through 26.

- 1 Page 125, line 29, delete ";" and insert ".".
- 2 Page 125, line 29, strike "and".
- 3 Page 125, strike lines 30 through 33.
- 4 Page 195, line 22, delete "(b)(1) and (b)(2)." and insert "**(b).**".
- 5 Page 203, line 7, delete "must submit the necessary information,
- 6 forms," and insert "**shall:**
- 7 **(1) conduct a criminal history check of:**
- 8 **(A) each individual who is an applicant; and**
- 9 **(B) the director or manager of a facility where children will**
- 10 **be placed; and**
- 11 **(2) submit to the department the result of each criminal**
- 12 **history check conducted under this subsection."**
- 13 Page 203, delete line 8.
- 14 Page 203, line 10, delete ", as defined by".
- 15 Page 203, line 11, delete "IC 31-9-2-22.5,".
- 16 Page 203, line 11, delete "applicant's employees and volunteers."
- 17 and insert "**applicant's:**
- 18 **(A) employees; and**
- 19 **(B) volunteers;**
- 20 **who have or will have direct contact, on a regular and**
- 21 **continuing basis, with children who are or will be under the**
- 22 **direct supervision of the applicant."**
- 23 Page 203, between lines 12 and 13, begin a new paragraph and
- 24 insert:
- 25 **"(f) An applicant is required to conduct a criminal history check**
- 26 **required under subsection (e)(1) only one (1) time.**
- 27 **(g) The department shall, at the applicant's request, inform the**
- 28 **applicant whether the department has or does not have a record of**
- 29 **the person who is the subject of a criminal history background**
- 30 **check and if the department has identified the person as an alleged**
- 31 **perpetrator of abuse or neglect. The department may not provide**
- 32 **to the applicant any details or personally identifying information**
- 33 **contained in any child protective services investigation report."**
- 34 Page 203, line 29, after "5." insert "**(a)**".
- 35 Page 203, line 32, after "by" insert "**:**
- 36 **(A)**".
- 37 Page 203, line 32, after "applicant" delete "." and insert "**;**
- 38 **(B) an employee of the applicant who has direct contact, on**

1           a regular and continuous basis, with children who are  
 2           under the direct supervision of the applicant; or  
 3           (C) a volunteer of the applicant who has direct contact, on  
 4           a regular and continuous basis, with children who are  
 5           under the direct supervision of the applicant."

6           Page 203, line 34, delete "applicant," and insert "**applicant who has**  
 7           **direct contact, on a regular and continuous basis, with children**  
 8           **who are under the direct supervision of the applicant,**".

9           Page 203, line 35, delete "contact" and insert "**contact, on a regular**  
 10          **and continuous basis,**".

11          Page 204, between lines 3 and 4, begin a new paragraph and insert:  
 12          **"(b) Notwithstanding subsection (a)(2), if:**

13               **(1) a license application is denied due to a criminal conviction**  
 14               **of an employee or a volunteer of the applicant; and**

15               **(2) the department determines that the employee or volunteer**  
 16               **has been dismissed by the applicant;**

17          **the criminal conviction of the former employee or former volunteer**  
 18          **does not require denial of a license application."**

19          Page 208, line 25, after "by" insert ":

20               **(A)".**

21          Page 208, line 25, after "licensee" delete "." and insert ";

22               **(B) an employee of the licensee who has direct contact, on**  
 23               **a regular and continuous basis, with children who are**  
 24               **under the direct supervision of the licensee; or**

25               **(C) a volunteer of the licensee who has direct contact, on a**  
 26               **regular and continuous basis, with children who are under**  
 27               **the direct supervision of the licensee."**

28          Page 208, line 27, delete "licensee," and insert "**licensee who has**  
 29          **direct contact, on a regular and continuous basis, with children**  
 30          **who are under the direct supervision of the licensee,**".

31          Page 208, line 27, delete "contact" and insert "**contact, on a regular**  
 32          **and continuous basis,**".

33          Page 212, line 19, delete "check." and insert "**check for each**  
 34          **individual who is an applicant."**

35          Page 212, line 22, delete "applicant's employees and volunteers at  
 36          the home," and insert "**applicant's:**

37               **(i) employees; and**

38               **(ii) volunteers;**

1           **who have or will have direct contact, on a regular and**  
 2           **continuing basis, with children who are or will be under**  
 3           **the direct supervision of the applicant; and".**

4           Page 212, delete line 23.

5           Page 212, line 24, delete "eighteen (18)" and insert "**fourteen (14)**".

6           Page 212, between lines 25 and 26, begin a new line block indented  
 7           and insert:

8           **"(2) Maintain records of each criminal history check.**

9           **(f) An applicant is required to conduct a criminal history check**  
 10          **required under subsection (e)(1) only one (1) time.**

11          **(g) The department shall, at the applicant's request, inform the**  
 12          **applicant whether the department has or does not have a record of**  
 13          **the person who is the subject of a criminal history background**  
 14          **check and if the department has identified the person as an alleged**  
 15          **perpetrator of abuse or neglect. The department may not provide**  
 16          **to the applicant any details or personally identifying information**  
 17          **contained in any child protective investigation report."**

18          Page 212, line 26, after "6." insert "(a)".

19          Page 212, line 29, after "by" insert ":

20          **(A)".**

21          Page 212, line 29, after "applicant" delete "." and insert ";

22          **(B) an employee of the applicant who has direct contact, on**  
 23          **a regular and continuous basis, with children who are**  
 24          **under the direct supervision of the applicant; or**

25          **(C) a volunteer of the applicant who has direct contact, on**  
 26          **a regular and continuous basis, with children who are**  
 27          **under the direct supervision of the applicant."**

28          Page 212, line 31, before "or" insert "**who has direct contact, on a**  
 29          **regular and continuous basis, with children who are under the**  
 30          **direct supervision of the applicant,".**

31          Page 212, line 31, before "volunteer" insert "a".

32          Page 212, line 31, delete "contact" and insert "**contact, on a regular**  
 33          **and continuous basis,".**

34          Page 212, after line 42, begin a new paragraph and insert:

35          **"(b) Notwithstanding subsection (a)(2), if:**

36          **(1) a license application is denied due to a criminal conviction**  
 37          **of an employee or a volunteer of the applicant; and**

38          **(2) the department determines that the employee or volunteer**

1           **has been dismissed by the applicant;**  
 2           **the criminal conviction of the former employee or former volunteer**  
 3           **does not require denial of a license application."**

4           Page 218, line 3, after "by" insert ":

5           **(A)".**

6           Page 218, line 3, after "licensee" delete "." and insert ";

7           **(B) an employee of the licensee who has direct contact, on**  
 8           **a regular and continuous basis, with children who are**  
 9           **under the direct supervision of the licensee; or**

10          **(C) a volunteer of the licensee who has direct contact, on a**  
 11          **regular and continuous basis, with children who are under**  
 12          **the direct supervision of the licensee."**

13          Page 218, line 5, delete "licensee," and insert "**licensee who has**  
 14          **direct contact, on a regular and continuous basis, with children**  
 15          **who are under the direct supervision of the licensee,"**

16          Page 218, line 5, delete "contact" and insert "**contact, on a regular**  
 17          **and continuous basis,"**

18          Page 221, line 37, delete "must submit the necessary information,  
 19          forms," and insert "**shall:**

20          **(1) conduct a criminal history check of:**

21               **(A) each individual who is an applicant; and**

22               **(B) the director or manager of a facility where children will**  
 23               **be placed; and**

24          **(2) submit to the department the result of each criminal**  
 25          **history check conducted under this subsection."**

26          Page 221, delete line 38.

27          Page 221, line 40, delete "applicant's" and insert "**applicant's:**

28               **(A) employees; and**

29               **(B) volunteers;**

30          **who have or will have direct contact, on a regular and**  
 31          **continuing basis, with children who are or will be under the**  
 32          **direct supervision of the applicant."**

33          Page 221, delete line 41.

34          Page 221, after line 42, begin a new paragraph and insert:

35          **"(f) An applicant is required to conduct a criminal history check**  
 36          **required under subsection (e)(1) only one (1) time for each**  
 37          **employee or volunteer.**

38          **(g) The department shall, at the applicant's request, inform the**

1     **applicant whether the department has or does not have a record of**  
 2     **the person who is the subject of a criminal history background**  
 3     **check and if the department has identified the person as an alleged**  
 4     **perpetrator of abuse or neglect. The department may not provide**  
 5     **to the applicant any details or personally identifying information**  
 6     **contained in any child protective investigation report."**

7     Page 222, line 16, after "6." insert "(a)".

8     Page 222, line 19, after "by" insert ":

9         **(A)".**

10    Page 222, line 19, after "applicant" delete "." and insert ";

11         **(B) an employee of the applicant who has direct contact, on**  
 12         **a regular and continuous basis, with children who are**  
 13         **under the direct supervision of the applicant; or**

14         **(C) a volunteer of the applicant who has direct contact, on**  
 15         **a regular and continuous basis, with children who are**  
 16         **under the direct supervision of the applicant."**

17    Page 222, line 21, delete "applicant," and insert "**applicant who has**  
 18    **direct contact, on a regular and continuous basis, with children**  
 19    **who are under the direct supervision of the applicant,"**

20    Page 222, line 22, delete "contact" and insert "**contact, on a regular**  
 21    **and continuous basis,"**

22    Page 222, between lines 32 and 33, begin a new paragraph and  
 23    insert:

24         **"(b) Notwithstanding subsection (a)(2), if:**

25             **(1) a license application is denied due to a criminal conviction**  
 26             **of an employee or a volunteer of the applicant; and**

27             **(2) the department determines that the employee or volunteer**  
 28             **has been dismissed by the applicant;**

29    **the criminal conviction of the former employee or former volunteer**  
 30    **does not require denial of a license application."**

31    Page 227, line 9, after "by" insert ":

32         **(A)".**

33    Page 227, line 9, after "licensee" delete "." and insert ";

34         **"(B) an employee of the licensee who has direct contact, on**  
 35         **a regular and continuous basis, with children who are**  
 36         **under the direct supervision of the licensee; or**

37         **(C) a volunteer of the licensee who has direct contact, on a**  
 38         **regular and continuous basis, with children who are under**

1           **the direct supervision of the licensee."**

2           Page 227, line 11, delete "licensee," and insert **"licensee who has**  
 3 **direct contact, on a regular and continuous basis, with children**  
 4 **who are under the direct supervision of the licensee,".**

5           Page 227, line 11, delete "contact" and insert **"contact, on a regular**  
 6 **and continuous basis,".**

7           Page 229, line 2, delete "must submit the necessary information,  
 8 forms," and insert **"shall:**

9           **(1) conduct a criminal history check of:**

10           **(A) each individual who is an applicant, and**

11           **(B) the director or manager of a facility where children will**  
 12 **be placed; and**

13           **(2) submit to the department the result of each criminal**  
 14 **history check conducted under this subsection."**

15           Page 229, delete line 3.

16           Page 229, line 5, delete "applicant's" and insert **"applicant's:**

17           **(A) employees; and**

18           **(B) volunteers;**

19           **who have or will have direct contact, on a regular and**  
 20 **continuing basis, with children who are or will be under the**  
 21 **direct supervision of the applicant."**

22           Page 229, delete line 6.

23           Page 229, between lines 7 and 8, begin a new paragraph and insert:  
 24 **"(f) An applicant is required to conduct a criminal history check**  
 25 **required under subsection (e)(1) only one (1) time for each**  
 26 **employee or volunteer.**

27           **(g) The department shall, at the applicant's request, inform the**  
 28 **applicant whether the department has or does not have a record of**  
 29 **the person who is the subject of a criminal history background**  
 30 **check and if the department has identified the person as an alleged**  
 31 **perpetrator of abuse or neglect. The department may not provide**  
 32 **to the applicant any details or personally identifying information**  
 33 **contained in any child protective investigation report."**

34           Page 229, line 8, after "3." insert **"(a)".**

35           Page 229, line 11, after "by" insert **":**

36           **(A)".**

37           Page 229, line 11, after "applicant" delete "." and insert **";**

38           **(B) an employee of the applicant who has direct contact, on**

1           a regular and continuous basis, with children who are  
 2           under the direct supervision of the applicant; or  
 3           (C) a volunteer of the applicant who has direct contact, on  
 4           a regular and continuous basis, with children who are  
 5           under the direct supervision of the applicant."

6           Page 229, line 12, delete "licensee," and insert "**applicant**,".

7           Page 229, line 13, delete "licensee," and insert "**applicant who has**  
 8           **direct contact, on a regular and continuous basis, with children**  
 9           **who are under the direct supervision of the applicant**,".

10          Page 229, line 13, after "the" delete "licensee" and insert  
 11          "**applicant**".

12          Page 229, line 13, delete "contact" and insert "**contact, on a regular**  
 13          **and continuous basis**,".

14          Page 229, line 15, delete "licensee," and insert "**applicant**,".

15          Page 229, between lines 24 and 25, begin a new paragraph and  
 16          insert:

17          **"(b) Notwithstanding subsection (a)(2), if:**

18               **(1) a license application is denied due to a criminal conviction**  
 19               **of an employee or a volunteer of the applicant; and**

20               **(2) the department determines that the employee or volunteer**  
 21               **has been dismissed by the applicant;**

22          **the criminal conviction of the former employee or former volunteer**  
 23          **does not require denial of a license application."**

24          Page 233, line 35, after "by" insert ":

25               **(A)".**

26          Page 233, line 35, after "licensee" delete "." and insert ";

27               **(B) an employee of the licensee who has direct contact, on**  
 28               **a regular and continuous basis, with children who are**  
 29               **under the direct supervision of the licensee; or**

30               **(C) a volunteer of the licensee who has direct contact, on a**  
 31               **regular and continuous basis, with children who are under**  
 32               **the direct supervision of the licensee."**

33          Page 233, line 37, delete "licensee," and insert "**licensee who has**  
 34          **direct contact, on a regular and continuous basis, with children**  
 35          **who are under the direct supervision of the licensee**,".

36          Page 233, line 37, delete "contact" and insert "**contact, on a regular**  
 37          **and continuous basis**,".

38          Page 309, after line 37, begin a new paragraph and insert:



1       "SECTION 378. [EFFECTIVE UPON PASSAGE] (a) **On June 30,**  
2       **2006, the balance of the child care fund established by**  
3       **IC 12-17.2-2-3, before its amendment by this act, shall be**  
4       **transferred to the division of family resources child care fund**  
5       **established by IC 12-17.2-2-3, as amended by this act.**

6       **(b) This SECTION expires January 1, 2007.**

7       SECTION 379. **An emergency is declared for this act."**

8       Renumber all SECTIONS consecutively.

(Reference is to SB 132 as reprinted January 31, 2006.)

**and when so amended that said bill do pass.**

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Representative Budak